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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/041,136	01/03/2002	Radhika Aggarwal	RSW920010111US1	2414

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IBM Corporation
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EXAMINER
ALI, RASEL M

ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **_3_** MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _03 January 2002_.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-13_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-13_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _9/30/04_

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claim 1-2 and 7-13 are rejected under 35 U.S.C. 102(b) as being anticipated by

Lagarde. ("Lagarde" US # 5,710,918).

As per independent claim 1, Lagarde teaches a menu emulated method

comprising:

encoding a form-submit element with a menu item description and an associated

graphical icon denoting menu (Lagarde, column 9, line 66 through column 10, line 6);

disposing said encoded form-submit element in network distributable markup and

distributing said markup to a content browser (Lagarde, column 9, line 66 through

column 10 line 3); and

responsive to a selection of one of said menu-item description and said

graphical icon, further distributing over said network to said content browser a graphical

menu structure encoded in at least one additional form-submit element (Lagarde,

column 10, line 4-16).

As per claim 2, which is dependent on claim 1, Lagarde teaches encoding step

comprise:

embedding in a markup representation of said form-submit, a network reference

to a server configured to produce enhanced graphical menu images, said network

reference comprising a textual menu-item description and a menu type (Lagarde,

column 9 line 66 through column 10, line10).

. As per claim 7, which is a dependent on claim 4, Lagarde teaches assembling

step comprises generating a graphical display of a menu-structure, said display

comprising at least one of a textual menu action, a graphically selectable menu action,

and a nested menu structure (Lagarde, column 10, line 57-60 and column 14, line 54-

66).

As per claim 8, which is a dependent on claim 6, Lagarde teaches further

comprising:

preserving state information for each encoded form-submit element; and,

upon detecting a selection of one of said encoded form-submit elements,

identifying graphical menu-structures in said markup from said state information, and

removing said graphical menu-structures from said markup except for a graphical

menu-structure assembled for said selected encoded form-submit element (Lagarde,

column 9 line 66 through column 10 line 1-12).

As per independent claim 9, Lagarde teaches a menu emulation method

comprising:

serving markup to a plurality of content browsers, said markup comprising at least one form-based input element encapsulating a reference to a composite image of menu text and a graphical icon, said icon denoting a selectable menu (Lagarde, column 9, line 66 through column 10, line 1-4);

receiving an indication from at least one of said content browsers that said form based input element has been selected (Lagarde, column 10, line 4-10); and,

responsive to said receipt of said indication, further serving to said at least content browser a graphical image of a menu structure, said graphical image comprising at least one form-based input element encapsulating a reference to a composite image of menu text and a graphical icon, said icon denoting at least one of a menu action and a selectable menu (Lagarde, column 11, line 1-10).

As per independent claim 10, Lagarde teaches a machine readable storage (Lagarde, column 9, line 53-54) having stored thereon a computer program for performing menu emulation (Lagarde, column 9 line 54-65), said computer program comprising a routine set of instructions (Lagarde, column 12, line 13-22) for causing the machine to perform the steps of:

Serving markup to a plurality of content browsers, said markup comprising at least one form-based input element encapsulating a reference to a composite image of menu text and a graphical icon, said icon denoting a selectable menu (Lagarde, column 9, line 53-60, column 10, line 11-16 and line 24-29);

Receiving an indication from at least one of said content browsers that said form

based input element has been selected (Lagarde, column 10, line 49-54); and,

Responsive to said receipt of said indication, further serving to said at least

content browser a graphical image of a menu structure, said graphical image

comprising at least one form-based input element encapsulating a reference to a

composite image of menu text and a graphical icon, said icon denoting at least one of a

menu action and a selectable menu (Lagarde, column 10, line 49-63).

As per independent claim 11, Lagarde teaches a network distributable emulated

menu comprising:

a plurality of composite images, each said image comprising menu text and a

graphical icon, said icon denoting a selectable menu (Lagarde, column 10, line 4- 20);

a plurality of selectable form-based elements, each said element encapsulating

one of said composite images (Lagarde, column 9 line 66 through column 10, line 1-6);

and,

a graphical image of a menu structure, said graphical image comprising at least

one form-based input element encapsulating a reference to a composite image of menu

text and a graphical icon, said icon denoting at least one of a menu action and a

selectable menu (Lagarde, column 10, line 24-39).

As per claim 12, which is a dependent claim of 11, Lagarde teaches a plurality of table cells, each cell containing one of said selectable form-based input elements (Lagarde, column 10, line 3-12).

As per claim 13, which is a dependent claim of 11, Lagarde teaches menu structure comprises at least one of a textual menu action, a graphically selectable menu action (Lagarde, column 16, line 3-12), and a nested menu structure (Lagarde, column 14, line 54-62).

upon detecting a selection of one of said encoded form-submit elements, identifying graphical menu-structures in said markup from said state information, and removing said graphical menu-structures from said markup except for a graphical menu-structure assembled for said selected encoded form-submit element (Lagarde, column 9, line 66 through column 10, line 1-12).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claim 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Lagarde (US Patent # 5,710,918) in view of (Thomas Chester and Richard H. Alden)

Mastering Excel 97 (ISBN: 0-7821-1921-2)

With respect to claim 3, which is dependent on claim 1, Lagarde discloses

disposing step comprises:

distributing said markup, upon request, to a content browser (Lagarde, column

14, line 54 through 62).

embedding said encoded form-submit element in network distributable markup

defining a table cell in a table (Lagarde, column 16, line 41-41and line 3-12);

Lagarde fails to teach formatting said table cell with a background color matching

the background colors of other table cells in said table,

However, Chester and Alden teaches formatting said table cell with a

background color matching the background colors of other table cells in said table

(Chester and Alden, chapter 5, page 128, section: applying patterns and colors, line 12-

16);

It would have been obvious to one of ordinary skill in the art at the time of the

invention to include Chester and Alden's background color with Lagarde's table cell with

to improve the appearance of a worksheet or emphasize specific information and

enhance readability.

With respect to claim 4, which is a dependent claim of claim 3, Lagarde teaches

steps of further distributing a graphical menu structure comprises:

responsive to a selection of said encoded form-submit element embedded in said

table cell, assembling a graphic menu-structure encoded in at least one additional form-

submit element (Lagarde, column 10, line 17 – 20);

replacing said encoded form-submit element embedded in said table cell with

said graphical menu-structure (Lagarde, column 10, line 7 – 10); and,

But Lagarde does not explicitly teach formatting said table cell with a background

color which differs from the background color of other table cells in said table,

However, Chester and Alden teach formatting said table cell with a background

color which differs from the background color of other table cells in said table (Chester

and Alden, chapter 5, page 128, line 12-16).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to include Chester and Alden's background color with Lagarde's table cell to

enhance the readability or large tables by shading every other row; patterns and colors

can improve the appearance of a worksheet or emphasize specific information.

With respect to claim 5, which is a dependent on claim 1, Lagarde does not

explicitly disclose disposing step comprises:

embedding said encoded form-submit element in network distributable markup

defining a table cell in a table row in a table;

further embedding other encoded form-submit elements in other table cells in

said table row; and

formatting each said table cell with a first background color.

However, Chester and Alden teach embedding said encoded form-submit element in network distributable markup defining a table cell in a table row in a table (Chester and Alden, chapter 1, page 19, line 12-13);

further embedding other encoded form-submit elements in other table cells in said table row (Chester and Alden, chapter 1, page 19, line 12-17); and

formatting each said table cell with a first background color (Chester and Alden, chapter 1, page 21, line 11-12 and chapter 5, page 128, line 12-16).

It would have been obvious to one skilled in the art at the time of invention to include Chester and Alden background color with Lagarde's table cell in table row to enhance readability.

With respect to claim 6, which is a dependent on claim 1, Lagarde teaches further distributing steps comprises:

detecting a selection of one of said encoded form-submit elements in said row (Lagarde, column 10, line 17-20);

responsive to said detection, assembling a graphical menu-structure encoded in at least one additional form-submit element (Lagarde, column 10, line 2–23);

replacing said one of said encoded form-submit elements with said graphical menu structures (Lagarde, column 10, line 24-28); and,

but fails to disclose formatting a table cell containing said graphical menu structure with a background color which differs from the background color of said other table cells in said table row,

However, Chester and Alden teach formatting a table cell containing said graphical menu structure with a background color which differs from the background color of said other table cells in said table row (chapter 5, page 128, line 12-16).

It would have been obvious to one skilled in the art at the time of invention to include Chester and Alden table cell with Lagarde's background color to format table cell with different background colors to improve the appearance and enhance readability.

Conclusion

5.   The prior art made of record and not relied upon are considered pertinent to applicant's disclosure.

Stein et al. (US. # 5,748,927) teaches graphical user interface with icons having expandable descriptors.

Nielsen et. Al. (US. # 5,845,122) teaches method and apparatus for allowing a user to select from a set of mutually exclusive options.

Hayashi, Naoki (US. # 5,918,238) teaches document processing apparatus which evaluates elements of a document and changes the color/format of elements that satisfy user-defined parameters.

Kim (US. # 2001/0055038) teaches method for changing menu icon and editing menu configuration in a mobile telephone.

Inquiries

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasel Ali whose telephone number is **703-305-0469**. The examiner can normally be reached on 8:00- 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rasel Ali

Patent Examiner

AU 2174

09/30/2004

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